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Consideration of reports submitted by States parties under article 18 of the Convention

Fifth and sixth periodic reports of States parties due in 2012

Estonia

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I. Introduction

1. The Report has been prepared on the basis of Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter also: the Convention or CEDAW). Estonia submitted its Initial, Second and Third report in August 2001 and the Fourth periodic report in November 2006. In its 39th session on 24 July 2007, the Committee on the Elimination of Discrimination against Women (hereinafter also: the Committee) discussed the Estonia's Fourth periodic report and adopted the concluding comments on 10 August 2007.

2. The Ministries of Social Affairs, Justice, Education and Research, Internal Affairs, Culture, Finance, Economic Affairs and Communications, Agriculture and Foreign Affairs have been involved in preparation of the Report. Input has been given also by the Office of the Chancellor of Justice and the Gender Equality and Equal Treatment Commissioner.

3. The report reflects mainly the period of 2006-2012, but most important developments until 2015 are also described. The statistical data has been presented depending on its availability for the period of 2006-2011/2012. In case no other reference is made, the source of statistical data is the database of Statistics Estonia, available online at www.stat.ee.

4. In 2013, draft of the current report was submitted for comments and proposals to seven NGOs: the Estonian Women's Associations Roundtable, the Estonian Women's Cooperation Network, the Estonian Women's Shelters Union, the Estonian Human Rights Centre, the Estonian Women's Studies and Resource Centre, the Estonian Institute of Human Rights and the Legal Information Centre for Human Rights.

5. Previous and present reports and the Committee's concluding comments are published on the webpage of the Ministry of Foreign Affairs both in Estonian and English. Estonia's National Review of the Implementation of the Beijing Declaration and Platform for Action 2009-2014 is available at the homepage of the UNECE.

6. Information presented in the report has its main focus on responses to the Committee's recommendations. Due to the word limit, only the most important developments during the reporting period are reflected. The report has also three annexes with tables of statistics and links to relevant legislation and other documents.

II. Information on Articles 1-16

Article 1

7. In October 2009 amendments to the Gender Equality Act (GEA) entered into force. The main purpose of these amendments was to improve the protection of persons from discrimination.

8. Among other changes the definitions of direct and indirect discrimination based on sex were amended. According to the new definition, direct discrimination includes also cases of gender-based harassment (and sexual harassment), and less

favourable treatment of a person caused by rejection or submission to harassment. With regard to the definition of indirect discrimination, the list of an apparently neutral provision, criterion or activity was supplemented with a reference to "practice".

9. Changes were also made to the definition of sexual harassment, and a new definition concerning gender-based harassment was added. According to the amended definition, sexual harassment no longer has to take place in a relationship of subordination or dependence nor the verbal, non-verbal or physical conduct or activity of a sexual nature be necessarily intentional. Also, it is no longer necessary for the victim to have rejected the activities or tolerated it because otherwise she or he would not have been hired etc. Gender-based harassment occurs where unwanted conduct or activity related to the sex of a person occurs with the purpose or effect of violating the dignity of a person and of creating a disturbing, intimidating, hostile, degrading, humiliating or offensive environment.

10. According to the GEA direct and indirect discrimination based on sex, including giving orders, therefore, is prohibited. But the GEA does not only prohibit discrimination and thereby demand equal treatment of women and men. The purpose of the Act is also to promote gender equality as a fundamental human right and public good in all areas of social life. The term "gender equality" is defined in the GEA as meaning equal rights, obligations, opportunities and responsibility of men and women.

Article 2

(a)-(b) Legislation

11. On 1st of January 2009 the Equal Treatment Act (ETA), entered into force with a purpose to ensure the protection of persons against discrimination on grounds of nationality (ethnic origin), race, colour, religion or other beliefs, age, disability and sexual orientation.

12. The ETA also amended the Government of the Republic Act, adding to the area of government of the Ministry of Social Affairs also the tasks of promotion and co-ordination of equal treatment on other grounds than sex and preparation of relevant legal acts.

13. In addition to the amendments made to the definitions in the GEA and to the regulation of the Gender Equality and Equal Treatment Commissioner (hereinafter the *Commissioner*), also other changes were made with the main purpose to improve the protection of persons from discrimination based on sex and to enhance promotion of gender equality.

14. After the amendment not only direct and indirect discrimination but also giving orders of discrimination is specifically prohibited in the GEA. In order to prevent victimisation, an adverse treatment of a person, as well as causing negative consequences for a person due to the fact that the person has relied on the rights and obligations provided for in the GEA or has supported another person upon the protection of his or her rights provided for in that act is deemed to be discrimination.

15. Furthermore, the regulation concerning special measures now clearly states their temporary nature.

16. The amendments additionally specified shared burden of proof. Additionally, the present regulation specifically states that the principle of shared burden of proof is also applied in cases where a person asks an opinion from the Commissioner. Such regulation should influence the respondents to be active in the process, which in turn will enable the Commissioner to prepare more adequate opinions.

17. Amendments of 2009 also clarified that discrimination disputes are resolved by a court or a labour dispute committee. The Chancellor of Justice resolves discrimination disputes by the means of conciliation proceedings.

18. Furthermore, the regulation of compensation for damage was amended and the right to compensation was expanded from working life to also other areas of life.

19. A few additions in 2009 also concerned discrimination of persons on the basis of their sex upon supplying goods and services. An article was added specifying the duty of the supplier of goods or services to provide explanations of his or her (allegedly discriminatory) behaviour. The list of activities not considered discriminatory was amended, adding the differences of treatment of persons based on gender when supplying goods and services pursuant to the Insurance Activities Act. In that case the provision of goods and services exclusively or primarily to members of one gender is justified by a legitimate aim and the means of achieving the aim are proportional to the aim.

20. In addition to the prohibition of discrimination based on sex and the regulation in the aforementioned legal acts, unlawful restriction of the rights of a person or granting of unlawful preferences to a person on the basis of his or her sex (among other grounds) is also prohibited in the Penal Code since 2002, being punishable by a fine or by detention and in most serious cases by a pecuniary punishment or up to one year of imprisonment.

(c)-(d) Legal protection

21. The description of the Administrative Procedure Act and State Liability Act provided in the previous report is still relevant.

The work of the Gender Equality and Equal Treatment Commissioner

22. In the years 2005-2008 the mandate of the Commissioner was to monitor compliance with the GEA. In 2009 the mandate was expanded to also monitor compliance with the ETA, the institution of the Gender Equality Commissioner was re-organised into the institution of the Gender Equality and Equal Treatment Commissioner, and the regulation concerning the tasks and powers of the Commissioner was moved from the GEA to the ETA.

23. The Commissioner remains an independent and impartial expert. It monitors compliance with the requirements of the ETA and the GEA and performs other functions imposed by law, such as assists persons in filing discrimination complaints, provides opinions concerning alleged cases of discrimination, analyses and makes proposals to amend legal acts, advises the Government and agencies of national and local authorities on the implementation of the ETA and the GEA etc. The work of the Commissioner monitoring the compliance over both acts has

simplified the handling of cases concerning discrimination on multiple grounds. The opinion of the Commissioner on whether the principle of equal treatment has been violated or not in a specific case is not legally binding but should provide the applicant with more certainty whether to pursue a legal resolution of the dispute.

24. The first Gender Equality Commissioner was appointed in October 2005. In 2009, when the Commissioner was given also tasks under the Equal Treatment Act, the number of addresses rose to 161 (out of which 51 complaints, 30 of these concerning gender equality). In 2010 the Commissioner received 288 addresses (47 complaints, and 24 of these concerning gender equality) and in 2011 358 addresses (90 complaints, 45 of these concerning gender equality) ... In 2012 the Commissioner received 394 addresses (95 complaints, 61 of these concerning gender or gender among multiple grounds).

25. The budget of the Commissioner has risen since the establishment of the position in October 2005 (see Annex I Table 1). Additional finances can be applied for example from the EU or other financial mechanisms. In 2013-2015 the Commissioner is implementing a project in the framework of the gender equality and reconciliation of work and family life programme financed from the Norway Grants 2009-2014 and operated by the Ministry of Social Affairs. The budget of the project is 700 000 EUR. Additional staff was recruited to the Office in 2013 for providing specific support in implementing this project.

The work of the Chancellor of Justice

26. Pursuant to the Chancellor of Justice Act (CJA), the following matters in the area of equality and equal treatment are in the jurisdiction of the Chancellor of Justice: verification that laws, regulations and other legislation of general application are in conformity with the Constitution and other laws (constitutional review competence); violations of the principle of non-discrimination in the activities of public authorities (ombudsman competence); conciliation proceedings between private individuals (competence to resolve discrimination disputes) and promotion of principles of equality and equal treatment.

27. No substantial changes have been made to the regulation of work of the Chancellor of Justice concerning equal treatment of women and men and gender equality since the previous report.

28. The statistics collected by the Office of the Chancellor of Justice about cases concerning equal treatment does not bring out explicitly gender as a ground of discrimination. The general statistics is included in the annual report of the Chancellor of Justice which includes a chapter about the activities concerning equal treatment on all grounds.

29. The number of cases in matters of equal treatment and discrimination has been relatively stable during the years. In 2008 the number of opened cases was 52, in 2009 26, in 2010 43, in 2011 42 and in 2012 40. The case statistics includes also petitions for initiating conciliation proceedings. Even though such petitions have been made, during the reporting period no conciliation proceeding was concluded with an agreement between the parties. As the proceedings are voluntary, very often the reason is reluctance of the respondent to consent to participate in the proceedings.

Labour Dispute Committees and courts

30. It is not possible to give an exhaustive overview of the number of cases or issues considered regarding cases concerning equal treatment of women and men that have been discussed in the labour dispute committees as the available information is not specific. The number of court cases is low.

(e) Measures to eliminate discrimination against women by any person, organization or enterprise

31. The National Action Plan for the implementation of the UN Security Council Resolution 1325 "Women, Peace and Security" in Estonia 2010-2014 incorporates Estonia's activities related to women, peace and security in the field of foreign policy, human rights, development cooperation and humanitarian assistance as well as international military and civil missions.

32. The action plan focuses specifically on political and diplomatic activities in international organisations; bilateral and multilateral development cooperation, and humanitarian assistance to improve the conditions of women in post-conflict situations; increasing the number of experts on gender issues and the provision of training for them; as well as increasing general awareness of women, peace and security in institutions dealing with peace and security; and on expansion of women's opportunities to participate in international military and civil operations and increasing the representation of women in international positions related to the maintenance of peace and security.

33. Raising awareness internationally in the area of women, peace and security is a priority for Estonia. It also serves the wider goal of changing stereotypical views on and attitudes towards women's and men's roles. For instance, a national information campaign was organised and measures have been taken to raise awareness on topics related to the implementation of resolution 1325 at the level of governmental departments. Resolution 1325 is discussed at all stages of the Estonian educational system.

34. Estonia participates in the EU task-force on Resolution 1325 and has introduced its process of preparing the National Action Plan to countries that are still at an early stage of preparing their own national action plans.

35. Estonia is actively engaged in promoting human rights, and specifically women's rights in the international fora, particularly within the framework of the European Union, the United Nations, the Organisation for Security and Co-operation in Europe and the Council of Europe.

36. In the framework of the UN Estonia is actively participating in several fora. Estonia was the chair of the Consultative Committee of the UN Development Fund for Women in 2007-2009. Estonia has contributed to the advancement of the situation of women as a member of the Commission on the Status of Women in 2011-2015, the UN Entity for Gender Equality and the Empowerment of Women as the Executive Board Member in 2011-2012, and as the member of the Human Rights Council in 2013-2015.

Development cooperation and humanitarian assistance

37. The general goal of the Estonian development co-operation is to contribute to the eradication of world poverty and helping to achieve the Millennium Development Goals. Under the Estonian development cooperation and humanitarian assistance strategy for 2011-2015, one of the goals of Estonia's development cooperation is supporting human development and increasing the availability of education and health care in developing countries, focusing on women and children. According to the document, Estonia aims to improve the situation of women and children living in poverty in developing countries through its bilateral development activities, mainly in priority partner countries like Afghanistan, Georgia, Moldova and Ukraine. Furthermore, gender equality is mainstreamed into all development cooperation activities.

38. For more than ten years Estonia has made regular voluntary contributions within multilateral development cooperation for the promotion of human rights, including the situation and rights of women and girls.

39. Estonia has provided consistent support in the field of humanitarian assistance to relevant UN offices. In addition to regular donations, Estonia has made targeted contributions in support of victims of specific humanitarian crises with the focus on the most vulnerable groups including children and women. From 2010 to 2012 Estonia provided humanitarian aid in the amount of 615,000 EUR to alleviate the situation of women and girls in regions of humanitarian crises.

Article 3

Gender mainstreaming

40. According to the GEA, state and local government agencies are required to both promote gender equality with special measures and through gender mainstreaming. From October 2009, the GEA regulation also includes an obligation of these agencies to consult, in implementing the aforementioned obligations, if necessary, relevant interest groups and non-profit organisations who have a legitimate interest to help to combat discrimination based on sex in order to support compliance with the principle of equal treatment.

41. In addition, in December 2011, the Government of the Republic adopted a new "Rules for Good Legislative Drafting and Technical Rules for Drafts of Legislative Acts" which foresees an obligation of impact analysis of draft legislation. According to these rules also a social impact, including an impact of the planned regulation to gender relations, has to be analysed. In 2014, the Ministry of Finance made available guidelines for policymakers to be taken into account when preparing development plans and also measures that are going to be applied to be financed from the EU Cohesion Policy funds to facilitate promoting of so called recurrent topics, including gender equality.

42. Gender Mainstreaming Working Group composed of representatives from Estonian government ministries and co-ordinated by the Ministry of Social Affairs was re-formed in 2011 with the aim of providing training for a range of government employees on gender mainstreaming and drafting gender mainstreaming strategies for various policy areas.

43. During the reporting period, projects concerning gender mainstreaming in municipalities and gender budgeting have been carried out by state agencies and NGO-s.

Other measures

44. During the reporting period, several other measures have been taken, by state agencies and NGOs, to promote gender equality, such as publishing handbooks, articles and educational materials. More specific activities are described under relevant articles.

45. NGOs promoting gender equality are able to apply for financing of the projects and connected operational costs from the Gambling Tax Council. Project-based financing has also been available from the state budget, European Social Fund and other foreign funds, e.g. Norway Grants.

Institutional development

46. The responsibility for the national gender equality policy lies with the Department of Equality Policies[1] in the Ministry of Social Affairs. In 2014, the staff of the department consisted of 10 civil servants, 2 of whom were responsible for implementation of the European Social Fund programme and 2 for implementation of two Norway Grants 2009-2014 programmes. The department is responsible for promoting gender equality and from 2009 also for coordination of promoting equal treatment on other grounds. The department also coordinates activities to decrease violence against women, including trafficking in women.

47. Everyone has the right of recourse to the Chancellor of Justice to request verification whether or not a state agency, local government agency or body, a legal person in public law, natural person or legal persons in private law performing public duties adheres to the principles of observance of the fundamental rights and freedoms and to the principles of sound administration. Also, in case a person finds that a natural person or legal person in private law has discriminated against him/her on the basis of sex, she or he has a right of recourse for the conduct of conciliation procedure.

48. At the beginning of October 2005, the first Gender Equality Commissioner was appointed. From 1st of January 2009, the Gender Equality Commissioner became the Gender Equality and Equal Treatment Commissioner (see Article 2(c)).

49. In October 2013, the Government of the Republic established the Gender Equality Council, an advisory body to the Government set forth in the GEA. Its main responsibilities are advising the Government in matters related to strategies for the promotion of gender equality, approving general objectives of gender equality policy and presenting opinions to the Government concerning the compliance of national programmes with the obligation of gender mainstreaming. The Council consists of 22 members. Among the members are main umbrella organisations of employers, of employees and of local authorities, main women's organisations, the Network of Estonian Non-profit Organizations, main organisations of pupils and students, a representative of rectors of public universities, national bodies for statistics, health development, lifelong learning and employment support, Gender

[1] Gender Equality Department until the end of 2014.

Equality and Equal Treatment Commissioner and all political parties represented in the parliament.

50. The Ministry of Social Affairs has had an effective international co-operation with the EU, Council of Europe, the European Social Fund, the Nordic Council of Ministers, etc. with the aim of promoting gender equality.

Article 4

1. Temporary special measures

51. The amendments made to the GEA in October 2009 included a clarification concerning the regulation of the special measures. It was specified that application of special measures which promote gender equality and grant advantages to the less-represented sex or reduce gender inequality is only allowed temporarily.

52. Currently no legal measures are planned to set quantitative targets to increase the proportion of women in either politics or in decision-making positions in private organisations. According to population surveys, such as the Eurobarometer (2011) and the Gender Equality Monitoring (2013), support to such binging legal measures and targets is low.

2. Special measures to protect maternity

53. According to the GEA, provisions concerning the special protection of women in connection with pregnancy and child-birth are not deemed as gender-based discrimination.

Article 5

(a) Gender stereotypes

54. In order to obtain a better overview of the attitudes and opinions of men and women concerning their situation and position in society, regular Gender Equality Monitoring surveys have been conducted in 2003, 2005, 2009 and 2013. The aim of this national survey is to measure opinions and attitudes regarding gender equality. It covers different topics and areas of life, such as power, economy, working life, private life, education and violence. The results are used to assess existing gender equality policies and to develop new policy measures to reduce gender inequalities.

Legal measures

55. New Advertising Act that entered into force in 2008 included several new regulations concerning gender equality. According to the act, an advertisement may not contain denigration or discrimination on the grounds of sex, disregard the principle of gender equality, derogate either sex or depict either sex as a dominating or subordinate. Additionally, it prohibits advertising that depict persons as sexual objects, contain inappropriate nudity, use expressions or images with a sexual undertone or contain visual or audible presentation of a sexual act. It also prohibits advertising works with pornographic content and advertising services provided for satisfaction of sexual desire, including advertising prostitution, and advertisements referring to such services or assisting procurement.

Other measures

56. In recent years, matters related to gender equality have received more attention and coverage in the press and audio visual media, especially in the news. Participation of press, radio and TV has also helped to provoke public debate on the issue of violence against women.

57. Several measures have been taken both by the state and other stakeholders, such as universities to target the topic of gender equality in the field of media. In 2010 and 2013 wide scale awareness raising campaigns were carried out to tackle gender stereotypes.

(b) Common responsibility in the upbringing and development of children

58. Results of different surveys confirm that division of care burden in Estonia still reflects rather traditional values. While both partners are expected to supplement to the family's income, the caring duties at home are still often expected to be met by the woman. These attitudes are reflected also in the employment data. The employment rate of men is highest (over 84% in 2010, over 91% in 2013) for men with at least one child below 3 years of age. For such women employment rate is lowest (29% in 2010, 23% in 2013) but raises remarkably right after that. Employment rates for men and women with school-aged children were much more similar.

59. Although parental leave and even more importantly, the parental benefit is also accessible to men, the percentage of men using the opportunity has been relatively low, being 7, 5% in 2013. At the same time, as the system of parental benefit is based on previous salary of the parent, the cause for lack of men taking parental leave should not be a negative effect on the family's income – only around one tenth of men say that the most important reason for their not taking leave was related to financial rationale.

60. At the same time, positive attitudes can also be found. A study from 2007 showed that the general attitude towards fathers on parental leave is positive and equal rights and possibilities to balance work and family life are supported. According to the results of the Gender Equality Monitoring of 2013, 91 % of women and 79 % of men agreed that men should participate more in child rearing and upbringing.

Measures

61. In 2007 the reasons fathers do or do not stay at home with small children and attitudes of employers towards male employees taking parental leave were mapped. Recommendations from employers and researchers were made for further policymaking. This study was complemented by an analysis conducted in 2008 about policy measures supporting fatherhood in Estonia and Europe. Recommendations were prepared for the next steps to be taken and for analysing their impact. Active fatherhood has been the focus of most activities targeting men. Several awareness raising initiatives have been carried out, such as conferences and publications.

Violence against women (except trafficking)

62. The official statistics does not fully reflect the scope of the problem and the real incidence of violence against women. Still, both police statistics and victim support statistics reflect the issue of domestic violence. According to crime victim survey most family violence cases take place between intimate partners.

63. According to Ministry of Justice statistics, 2231 cases related to domestic violence were reported in 2012 in Estonia, which was 15% higher than in the previous year. Domestic violence counted up to 5, 5% of all registered crimes and 28% of all violent crimes. In 80% of cases of domestic violence there was physical abuse or damage to health, in 12% of cases threat, in 3% of cases torture, in 2% of cases rape, in 1% of cases offence against life and in 2% of cases other type of violence.

64. National victim support system helped 3407 persons in 2007, 34% of them were victims of domestic violence. In 2010 the respective numbers were 2872 and 47%, in 2011 - 4671 and 38%; in 2012 - 4510 and 46%. Data gathered is not disaggregated by sex.

65. Women's shelters provided services to 301 victims in 2007 and to 501 victims in 2008. In 2011, 1180 women and with them 204 children turned to the shelters for help, including for temporary residence and counselling services. 224 women and 114 children needed a temporary place to stay. In 2012, the numbers had risen to 1570 women and 193 children of whom 167 women and 114 children needed temporary residence. Most women had experienced mental (81%) and physical (68%) violence, but some also suffered from economic violence (31%) or sexual abuse (9%). Many were victims of multiple forms of violence. The abuser in most cases (92%) was either the victim's partner or ex-partner. According to the shelters, only 9% of the women had also turned to the police (12% in 2011), 12% had notified local social services, 7% had turned to court and 6% to the Victim Support Service (4% in 2011).

66. 81% of family violence victims and 10% of abusers are women. 21% of male victims and three times as many female victims have said that their partner was intoxicated during the incident. 78% of family violence cases take place at the victim's or offender's home. Usually women fall victim at home and men in public places. Family violence cases that take place at home are often more severe.

67. In 2011, the Ministry of Justice analysed family violence proceedings using data from 2010. In 45% of the cases proceedings were diverted from the court and resulted in sanctions and conditions imposed by the prosecutor. 31% of the cases were terminated due to lack of evidence or on other legal grounds. 24% of the family violence cases reached the court. In 53% of such cases a conditional prison sentence with or without probation supervision was imposed, in 20% of cases the type of punishment was community service, in 14% of cases pecuniary punishment and in 13% of cases a prison sentence. The use of arrests and restraining orders is low in such criminal proceedings. In 2011, 19 offenders were arrested and a temporary restraining order was applied on 95 suspects.

68. According to the 2012 Fundamental Rights Agency's gender-based violence against women survey in the EU, 33% of Estonian women have experienced physical and/or sexual violence since the age of 15 and 5% had experienced violence in the 12 months before the interview.

Measures

69. During the reporting period several studies and awareness-rising activities for the public and specific target groups, such as social workers, police, medical workers, the media and women's organisations, were conducted.

Legislative measures

70. Currently there is no separate section for violence against women, intimate partner violence or domestic violence in Estonian legislation. At the same time, the list of aggravating circumstances of the Penal Code includes e.g. commission of the offence against a person who is in a financially dependent relationship with the offender, and against a former or current family member of the offender, against a person who lives with the offender or a person who is otherwise in a family relationship with the offender but also commission of the offence against the person by an adult in the presence of a minor, commission of the offence knowingly against a person who is less than eighteen years of age, pregnant, in an advanced age, and commission of the offence with peculiar cruelty, or degradation of the victim. Several of these provisions entered into force on January 1, 2015.

71. The Penal Code also includes a regulation concerning offences against sexual self-determination which was modified and improved in 2013. According to these changes, e.g. satisfaction of sexual desire by violence in a manner other than sexual intercourse which was previously a separate offence is now considered rape. Rape is now defined as a sexual intercourse or commission of another act of sexual nature with a person against his or her will by using force or taking advantage of a situation in which the person is not capable of initiating resistance or comprehending the situation. Similarly, compelling a person to engage in sexual intercourse and compelling a person to satisfy sexual desire were merged into one offence. According to the new definition, it is also punishable to have a sexual intercourse or commission another act of sexual nature with a person against his or her will by taking advantage of the dependency of the victim on the offender but without using force or outside a situation where the person was not capable of initiating resistance or comprehending the situation. Also offences of sexual intercourse and satisfaction of sexual desire of an adult person with a person less than 14 years of age were merged.

72. Another offence, sexual intercourse or other act of sexual nature using influence, was also added in 2013. According to this regulation it is punishable for an adult person to engage in sexual intercourse or commit another act of sexual nature with a person of less than 18 years of age by taking advantage of the dependency of the victim on the offender or with abuse of influence or confidence but without using force or outside a situation where the person was not capable of initiating resistance or comprehending the situation.

73. A person is always deemed to be incapable to comprehend the situation according to the Penal Code if he or she is less than 10 years of age.

74. Improvements in legislation concern the application of the restraining order under the new Code of Civil Procedure (from January 2006) and the Code of Criminal Procedure (from July 2006). As of 2006, it is possible for the court, in order to protect the personal life of a person or other personality rights, to apply also a restraining order. The restraining order and other measures may be applied

with a term of up to three years. In criminal proceedings the court has an opportunity to apply a restraining order based on civil law to an offender convicted of a crime against the person or against a minor. If the restraining order is applied in connection with a family relationship, the provisions regulating family matters on petition additionally apply. In the case of violation of the restraining order the court can impose a fine on the person using violence and the victim has the right to demand a compensation for damage.

75. After the changes of 2009, in addition to sexual harassment, the GEA considers gender-based harassment as a type of discrimination and thereby prohibits it. The GEA also establishes the duty of the employer to ensure that employees do not become victims of gender-based or sexual harassment. Some situations call for the employer to take measures to ensure the elimination of harassment. An employer can be deemed responsible for failure to perform the duty of care if the employer is aware or should reasonably be aware that harassment has occurred and fails to apply the necessary measures to terminate such harassment.

Other measures

76. Combating domestic violence is among the governments' priorities. Among the main problems still to be targeted is the shortage of sufficient support mechanisms for victims, competent specialists and research. Estonian Ministry of Social Affairs, Ministry of Justice and Ministry of the Interior are working constantly to prevent and reduce violence against women in the family and the community.

77. On 2 December 2014, Estonia signed the Council of Europe Convention on preventing and combating violence against women and domestic violence.

Strategic documents

78. An analysis mapping Estonia's needs and gaps regarding prevention of violence and support for victims was conducted in 2009-2010 and developed into a Development Plan for Reducing Violence for Years 2010-2014, adopted by the Government of the Republic in April 2010. The purpose of the development plan is to reduce and prevent violence in its various forms.

79. The development plan is comprehensive and covers four areas: violence against children; violence committed by minors; domestic violence, including violence against women; and trafficking in human beings, including prostitution. For each area, a special network has been created consisting of officials and NGOs representing institutions responsible for the issue.

80. Prevention includes improving dissemination of information on domestic violence and ways to prevent such violence. The development plan includes conducting research on the reasons of domestic violence, and victim's needs, also improving collection of statistics from women's shelters. It foresees analysing and, if necessary, editing schoolbooks and providing guiding materials for teachers. Training of teachers, social and youth workers, and medical practitioners has an important part in the development plan, both regarding prevention and victim support. The plan includes preparation of a guideline to help relevant specialists understand and notice different aspects of domestic and interpersonal violence and intervene when possible and appropriate.

81. More generally, prevention of domestic violence and support for victims is part of the Guidelines for Development of Criminal Policy until 2018. The document states that sufficient number of shelters for victims of criminal offences against persons, including domestic violence and victims of trafficking in human beings, must be ensured all over Estonia.

Prevention measures, including awareness-raising

82. Intensifying the fight against domestic violence has been a priority for the Estonian police. Police officials have a regulation on how to treat victims of domestic violence and how to investigate and record cases of domestic violence since autumn 2010 (renewed in October 2012). Trainings for law enforcement officials continue in the framework of the Development Plan for Reducing Violence for years 2010-2014. Common training seminars on family violence for police, prosecutors and judges specialized in the area of domestic violence have been conducted. In 2012-2013, at the request of the Ministry of Social Affairs EWAR and local women's shelters organised network trainings and trainings for judges, prosecutors and police officers in different parts of Estonia to ensure more effective handling of the cases of domestic violence.

83. Awareness raising efforts have also included training other different stakeholders and target groups, such as medical workers and girls, carried out by the state, educational institutions, NGOs.

84. In 2012-2016, the Ministry of Social Affairs is co-ordinating an implementation of a 2 million EUR programme concerning violence against women funded from the Norway Grants 2009-2014 period. The aim of the programme is to prevent and tackle gender-based violence by creating bases for more systematic structures to reduce gender-based violence, and support victims of trafficking. Activities financed from the programme include developing services for victims of domestic violence, strengthening cooperation between different institutions and raising awareness among victims, risk groups and the general public.

Protection, support and services for victims

85. Women who have been subjected to violence receive information on their rights, remedies and victim support services through several sources: law enforcement officials, national victim support officials, social workers, women's shelters, and the media. Personnel providing support services have been trained in co-operation of the Estonian Women's Shelters Union and the Ministry of Social Affairs. Independent support persons can be provided by the civil society organisations.

86. A nation-wide helpline for women experiencing violence, launched by the Estonian Women's Shelters Union in 2008, currently provides information, counselling, support and advice in Estonian and Russian 24/7, free of charge.

87. A restraining order (described above under legislative measures) can be applied within a few days, and with it the offender is usually prohibited from going to the victim's home, communicating with the victim (phone, mobile phone, Internet etc.) and reaching within speaking distance from the victim. Occasionally victims refuse to apply for a restraining order on the grounds of sympathy, conciliation, social and financial factors, or fear.

88. Victims of violence against women receive help from women's shelters. Currently there are 13 shelters in Estonia, providing temporary shelter for women with or without children. In shelters women receive flexible and tailor-made support, including psychological, social, legal counselling, information about services provided by various agencies and accommodation. As of 2013 shelters receive funding from the state budget. In 2013 and 2014, the budget allocated for women's shelters was 430 000 EUR per year. Some shelters also receive funding from local authorities.

89. Victims can also use the national Victim Support system aimed at maintaining and enhancing people's ability to cope after falling victim to negligence, mistreatment or physical, mental or sexual abuse. The National Social Insurance Boards' Victim Support Department has 15 centres all over the country. Most of the regional victim support officials work in local police units and therefore the police participates actively in the system. The state funded victim support workers offer psychological support, information on where to find help, and assistance in dealing with various organisations.

90. State compensation is paid to victims of crimes of violence committed in the territory of Estonia and to their dependants but also to the victim of a crime of violence committed abroad, if the victim is a permanent resident of Estonia or an Estonian citizen who does not reside permanently in Estonia and was abroad for reasons related to studies, employment or service duties or for other significant reasons. From 2007, a victim of an offence not resulting in death, serious damage to his or her health or disability lasting for at least six months has the right to receive compensation for the cost of psychological care in an amount equal to up to one minimum monthly wage. To enhance the support of victims, cooperation exists between the police, Victim Support department at the Social Insurance Board, the NGO Estonian Women's Shelters Union, and all the women's shelters.

Activities of the police

Already in 2004 the police declared domestic violence as one of its priorities. The relevant system of police statistics and guidelines for dealing with cases of family violence have been developed and implemented. Also cooperation with local social and medical workers is being enhanced. Prefectures have started to react faster to domestic violence, become more involved and act more professionally, in order to pre-empt further violence. In general, the emergency calls to domestic violence are serviced as a priority, i.e. immediately or at the first possibility. Specific guidelines have been drawn for police officers reacting on the call of violence in personal relationships, including also the procedure for forwarding information to Victim Support Service.

91. Several relevant training and awareness-raising activities for the police have been conducted in the period. Among others, a network training project has been implemented to improve cooperation between different institutions, such as police officers, prosecutors, judges, victim support workers, social workers, child protection workers, medical professionals etc., in order to improve the efficiency of solving cases of violence as well as the accessibility and quality of the help offered to victims.

Article 6

92. Estonia is currently mainly a country of origin for human trafficking, but also a transit country and to a very small extent, a destination country. Most victims are women who are exploited in prostitution whether in Estonia or abroad, but for labour trafficking, also men are being recruited and exploited.

93. Data on human trafficking is collected by ministries, law enforcement agencies and NGOs. The Ministry of Justice coordinates the general data collection and publishes certain categories in its Annual Reports on the implementation of the National Development Plan, which includes a chapter on combating trafficking in human beings, and also in the crime statistics annals.

94. Exact data on the number of victims of human trafficking though is not available due to the lack of specific anti-trafficking legislation until spring 2012 and due to the hidden nature of such crimes. According to the data from NGOs providing services, in 2007, 55 female victims of trafficking were identified by the NGOs. In 2011, the number of victims of trafficking identified by Estonian shelters was 56 (39 female, 17 male, aged 13-47), 19 of them victims of labour trafficking. In 2012, 22 victims of trafficking were identified (8 female victims of sexual exploitation and 14 male victims of labour trafficking). In 2013, 22 victims of trafficking were identified (12 women and 10 men, 8 women were victims of sexual exploitation; the others were victims of labour trafficking).

95. According to the Ministry of Justice, the main forms of crimes related to trafficking in women in Estonia have been pimping and enslaving. Pimping has been registered as a crime of aiding prostitution. In 2010-2011, there were 15 registered criminal cases of aiding prostitution in Estonia. According to the Ministry of the Interior, in the years 2006-2012 there were, in total, 19 cases involving prostitution or trafficking in human beings; 7 of the cases were registered after the amendments of § 133 of the Penal Code in April 2012 described under the section below.

Legislative measures

96. In April 2012 amendments were adopted to the Penal Code criminalising all elements of specific crimes of human trafficking in accordance with the relevant international law. The new legislation was drafted in close cooperation with the NGOs. According to the new regulation, trafficking in persons is defined as placing a person in a situation where he or she is forced to work under unusual conditions, engage in prostitution, beg, commit a criminal offence or perform other disagreeable duties, or keeping a person in such situation, if such act is performed through deprivation of liberty, violence, deceit, threatening to cause damage, by taking advantage of dependence on another person, helpless or vulnerable situation of the person.

97. Specific regulation and punishments are now also provided for cases of support to human trafficking, pimping, aiding prostitution, forcing person to donate organs or tissue, illegal removal of organs or tissue, inducing person to donate organs or tissue and human trafficking in order to take advantage of minors.

98. Also, from 2013 there is a new offence of buying sex from minors, i.e. engaging, for monetary payment or any other benefit, in sexual intercourse or

committing another act of sexual nature with a person of less than 18 years of age. The punishment increases in case this offence is committed against a person of less than 14 years of age and in case it is committed by a person who has previously committed a criminal offence against sexual self-determination.

99. Further, a new Advertising Act entered into force in 2008 prohibiting advertising of services offered for satisfaction of sexual desire, including advertising of prostitution or advertising referring to such services, advertising contributing to facilitation of prostitution, advertising of works which contain pornography or promote violence or cruelty and advertising contributing to mediation of prostitution.

100. In 2010 Estonia signed the Council of Europe Convention on Action against Trafficking in Human Beings. The convention was ratified on 5 February and will enter into force on 1 June 2015.

Other measures

Development Plans for combating trafficking in human beings

101. For the period of 2006-2009, Estonia had a National Development Plan for Combating Trafficking in Human Beings. It set out the strategic objectives for combating trafficking in human beings and determined the main measures and activities for achieving such goals. Since the Development Plan, the budget allocations for anti-trafficking activities have increased considerably. The majority of the funds have been allocated to victim assistance and trafficking prevention programs.

102. In the framework of the Development Plan a national network was established in 2006, consisting of officials from all the relevant ministries and agencies, and NGOs/service providers. The network continued its cooperation in the framework of the Development Plan for Reducing Violence for Years 2010-2014.

103. The Development Plan for 2010-2014 covered four areas: violence against children; violence committed by minors; domestic violence and violence against women, and trafficking in human beings, including prostitution. Under the human trafficking chapter the development plan aimed at systematising the preventive actions and provision of information, at development of rehabilitation work and investigation systems. As most victims of human trafficking in Estonia are women who were trafficked for sexual exploitation, the development plan and its activities concentrated to a great extent on reducing violence against women and supporting women victims of violence.

Prevention measures, including awareness raising

104. Studies have been conducted on topics such as the meaning of prostitution in Estonian society, the situation of women involved in prostitution, sex buyers, the perspective of high school and vocational school pupils. In addition, several publications, such as collections of articles and interviews on the trafficking problem have been published to raise awareness on the issue. Handbooks have been prepared for police and for social workers and victim support officials. Every year, trainings for victim support specialists, social and youth workers, police etc. take place on prevention of trafficking and victim support, including gender equality issues.

105. Awareness raising campaigns and informational materials have been provided to both specific target groups (young people, women) and for the general public, in order to inform people of trafficking in human beings as a problem and of the possibilities to receive support.

106. Since 2011, consular officers from the Ministry of Foreign Affairs have visited Estonian schools to educate secondary school students on the dangers of human trafficking, reaching approximately 500 students each year.

107. In order to increase the efficiency of investigation of cases of trafficking in human beings and improving the efficiency of international cooperation, cooperation project COPSAT with Sweden was implemented in 2011-2012.

Services for victims

108. In the framework of two projects carried out in 2005-2008, NGOs opened two women's shelters and a social and psychological rehabilitation centre for prostituted/trafficked women where 400 sexually exploited women received some help. Services and a system of support personnel were also developed. From 2014, the 2 shelters and the rehabilitation centre were replaced by 1 shelter for all victims of trafficking and 3 open centres for persons involved in prostitution, all run by one NGO. These services have been financed from the state budget since 2009.

109. Since 2006, an NGO operated special anti-trafficking helpline has been financed by the state. In 2009-2011 about 700 people received advice through this helpline.

110. In 2009, the national anti-trafficking network including representatives of ministries and NGOs developed guidelines for identification of trafficking victims in Estonia. The guidelines were revised in 2013, in reflection with the changes in the Penal Code and transposition of the EU directive on preventing and combating trafficking in human beings and protecting its victims.

111. In 2012-2016 the Ministry of Social Affairs is co-ordinating an implementation of the Norway Grants violence against women programme. Among the activities financed under this programme are e.g. research on victim's needs, training of specialists, improving the rehabilitation and shelter services and providing anti-trafficking hotline services for trafficked persons and consultations preventing trafficking, collecting statistical data and awareness raising of the wider general public and risk groups about human trafficking.

Participation in the activities in the region

112. Estonia actively participates in the fight against trafficking in human beings in the Nordic and Baltic region as the member of the Council of the Baltic States Task Force against Trafficking in Human Beings. The main objective of the task force is to coordinate and monitor the activities against trafficking in human beings in the region and to keep the topic high on the political agenda in the participating countries.

Article 7

(a) Right to vote and to be eligible for election

113. Achieving a gender balance in decision making remains a domain for improvement in Estonia. It is slightly more difficult for women to get elected to publicly elected bodies and even though women are present in political parties, not enough of them stand as candidates at elections. One of the main impediments for women to get elected is their position in candidate lists. A positive trend is the growing number of female candidates in both parliamentary and local government council elections.

Women in the European Parliament

114. During the 2009 European Parliament elections 29,7% of candidates in Estonia were women (24% in 2004). Out of 6 elected members 33,3% were women, but with replacements the actual gender balance after the elections was 50/50 (3 women and 3 men). During 2014 elections 3 of the winning candidates were women, 3 men, thereby granting once again gender balance among Estonian members of the EP.

Women in the national parliament (Riigikogu)

115. The biggest ratio of women among national parliament members was in 2007, when 24% of members were women (i.e. 24 of the 101 members were women). In 2011 the ratio of women in Riigikogu was 19.8% (i.e. 20 of the 101 members were women). The share of female candidates in parliamentary elections has been higher, reaching 27% in 2007 (22,6% in 2011).

116. A positive development in the Riigikogu is the resumption of the cross-party Women's Committee in 2011 which is formed by all the female members of the parliament regardless of their political views.

Women in local government councils

117. During the local elections in 2013 the percentage of female candidates was 40% (38,7% in 2009 and 39.5% in 2005) and the share of women elected into the local government councils was 31% (29,6% in 2009 and 2005).

Legislative measures

118. According to the legislation, men and women have the same rights to vote and to be elected. As to the right to vote and be eligible for election, no major changes have been made to the relevant legislation, compared to the last report.

Other measures

119. As the year 2007 was the year of parliamentary elections, a gender equality project competition was organized in 2006 with the aim to increase the participation of women in politics through improved cooperation between civic associations and by raising the awareness of the public. Financed activities included seminars, trainings, conferences and roundtables, a series of radio programmes, a compilation of articles and interviews with female ministers, pre-election debates, and a film of interviews with women politicians and EU officials.

120. The low representation of women in politics has been criticized by civil society organisations and researchers, and attempts have been made to influence the parties to appoint more women to leading positions and elective posts.

(b) Women in the government and public sector

Women in the government

121. The number of women in the government has been rather modest for a long time, ranging from 7% to 21%. The situation improved after the change of government in March 2014, when the share of women increased at first from 15% to 36% and then to 43%.

Women in the public sector

122. More women than men are employed in the public sector. During the whole period, approximately 32-37% of women and approximately 15-18% of men were employed in the public sector, in 2012 the percentages were 35,7% and 17,1% respectively. Most of the men employed in the public sector were employed by the state, women were divided slightly more equally between state and local government employment, but a greater proportion of women were employed in the local government level.

123. At the end of 2011 there were a total of 27 558 civil servants in Estonia and 56% of them were women. As spheres where mainly men are involved (military, police, prisons, fire-protection service) belong under the specific acts, the percentage of women raises considerably after separating these groups from all civil servants. The total number of civil servants whose activities are not regulated by specific acts was 20 140 and 71% of them were women. Although the percentage of women in all responsibility levels is higher than the percentage of men, the percentage decreases as the responsibility level increases (see Annex I Table 2).

124. In 2012, 68% of judges in the courts of first and second instance were women. Their percentage was 71 among judges of the courts of first instance and 60 among judges of the courts of second instance. The situation was different in the Supreme Court of the Republic of Estonia where only 2 of 19 judges were women.

125. While among the officials working in the Constitutional institutions and State Chancellery the percentage of women and men in 2010 was 67,9% and 32,1% respectively, men still continue to hold vast majority of leadership positions in institutions involved in the review of constitutionality and legality.

Article 8

126. The proportion of women in diplomatic posts has been more than 50% during the whole period. Women constituted 61% of the total number of employees of the Ministry of Foreign Affairs. At the same time, the proportion of women varied significantly in different ranks and posts and was lowest in the highest levels (see Annex I Table 3 and Table 4).

127. When the Ministry of Foreign Affairs sends representatives to participate in international forums, the delegation aspires to be consisted of both women and men, to also set a good example for other state agencies and organisations.

128. There is no official statistics available regarding employment of Estonians in various international organisations. Women form approximately 25% of experts sent to international civil missions.

Legal measures

129. The requirements for the employment in foreign service are established by the Foreign Service Act. Everybody has the right to start a career in the foreign service, regardless of gender.

130. If a diplomat is accompanied by his or her spouse during the time he or she is assigned to a foreign mission, the foreign service allowance of the diplomat is increased by 35 per cent and the time spent by the spouse in a foreign mission together with the diplomat is considered to be part of the length of employment of the spouse. If the spouse of a diplomat works in a foreign mission, the foreign service allowance of the diplomat is not increased. The spouse of the diplomat is guaranteed medical and health insurance.

Article 9

1. Right to acquire, change or retain citizenship

131. According to Estonian legislation women and men are granted equal rights to acquire, change or retain citizenship. Neither marriage to an alien nor change of citizenship by the husband during marriage automatically changes the citizenship of the wife, renders her stateless or forces upon her the citizenship of the husband.

Persons with undetermined citizenship

132. Persons with undetermined citizenship have all social, economic and cultural rights that are enjoyed by citizens of Estonia. All legal residents regardless of their citizenship, also have the right to vote in local government elections.

133. The Government has facilitated the naturalisation process for all legal residents who wish to acquire Estonian citizenship. As a result the number of persons with undetermined citizenship has constantly declined. According to data from the last Population and Housing Census, on 31st of December 2011 the permanent population of Estonia was 1 294 455 persons, of whom 46,4% men and 53,6% women. 85,2% were citizens of the Republic of Estonia, 8,2% citizens of other states, 6,6% persons with undetermined citizenship. Among those with undetermined citizenship 52,6% were men and 47,4% women. In 2000, at the time of previous population census, 12,4% of the population were with undetermined citizenship.

134. According to the Integration Monitoring survey of 2011, 64% of persons with undetermined citizenship expressed a wish to apply for Estonian citizenship. Difficulties with fulfilling the language requirements and with the citizenship exam were mentioned as main barriers to acquiring Estonian citizenship.

Measures

135. Several measures have been taken in order to encourage persons with undetermined citizenship to apply for the Estonian citizenship. People have been

provided with the relevant information in order to raise awareness of the conditions and the advantages of obtaining the Estonian citizenship. The State has constantly taken steps to facilitate this process, e.g. the compensation of Estonian language training costs, the consolidation of exams, and the partial or complete exemption from exams of persons with disabilities.

136. The Citizenship Act stipulates a number of exemptions from the language exam requirement – persons who have acquired basic, secondary or higher education in an Estonian language school and persons who are unable to take the examination due to restricted active legal capacity, disability or health condition. Persons born before 1 January 1930 are exempted from the written part of the exam.

137. In autumn 2009, a programme funded by the European Fund for the Integration of Third-country Nationals was launched enabling offering free-of-charge Estonian language courses to all persons with undetermined citizenship and third-country nationals. Also, study manuals for students and study materials were developed. In 2009, language learning expenses were compensated to everyone who had participated in the courses and had passed the level exams. In the course of the European Social Fund programmes for development of language studies 2008-2010 and 2011-2013 the language learning expenses were compensated for up to 383 EUR per one language level. In addition, the Unemployment Insurance Fund conducts trainings for enhancement of competitiveness of risk groups in labour market in the Estonian language and also integrated specialised and language trainings.

138. Since 2008, upon the birth of a child parents with undetermined citizenship have been informed of the possibility to apply for Estonian citizenship for their child by simplified procedure and upon request they are later further personally consulted by the officials. In the course of the counselling, the parents are explained the possibilities to apply for the Estonian citizenship themselves as well. This information dissemination has been well received by the parents and most parents apply for Estonian citizenship for their new-born child. In addition, the officials send personal information notices to the parents of children with undetermined citizenship. Information is also provided in schools and at awareness raising events.

139. In 2014, an amendment was passed to legislation, making applying for citizenship easier for those young people, whose legal guardian has not applied for a residence permit for them before they reached the age of 15, but who have been factually living in Estonia for at least eight years. These people are granted citizenship, if they have not become the permanent residents of another country and have a valid residence permit or right of residence at the time they are granted citizenship.

140. In January 2015, the parliament approved several amendments to the Citizenship Ac that aim to halt the perpetuation of persons with undetermined citizenship by guaranteeing a right to acquire Estonian citizenship by naturalization to all children born in Estonia that have parents with undetermined citizenship.

141. In addition, the Estonian language requirements for applicants of the Estonian citizenship for elderly were simplified. Applicants older than 65 years of age, who apply for Estonian citizenship, will only have to take an oral Estonian test and are released from the obligation to take the written exam. The amendments will enter into force from January 1, 2016.

2. Equal rights with men with respect to the nationality of children

There are no differences in the Citizenship Act between women and men with respect to the nationality of their children.

Article 10

142. The GEA applies to all areas of societal life. Therefore, also the prohibition of discrimination and other regulation in the act is applied to the field of education. The GEA also includes a specific regulation concerning education. Educational and research institutions and institutions engaged in the provision of education and training must ensure equal treatment of men and women in vocational guidance, acquisition of education, professional and vocational development and re-training. The curricula, study material used and research conducted have to facilitate the elimination of unequal treatment of men and women and promote equality.

(a) Access to education

143. Women in Estonia are generally more oriented towards higher levels of education than men, their study results are often better and their drop-out rate lower. Therefore, they also have more opportunities to choose between different educational pathways. More detailed information on proportions of girls and women in different levels of formal education is provided in Annex I Table 5.

144. Field of study preferences still tend to follow outdated gender stereotypes. As to vocational studies, see Annex I Table 6. In the higher education, women made up more than 90% of the graduates in the fields of education and social services and close to 90% in health and welfare in 2012. The share of women graduates in science, mathematics and computing was 43% and in engineering, manufacturing and construction 30%.

145. In 2009, the share of female researchers in Estonia was 42,5 % (2008: 41,7 %). This trend is also observable in traditionally "masculine" areas like engineering, manufacturing and construction, though the share of female researchers in these fields is still lower than in other fields.

146. Proportion of women and men among academic staff is described in Annex I Table 7.

(b) National curricula

147. In the academic year 2011/12 schools started to implement the new National Curriculum of Basic School (grades 1-9) and the new National Curriculum of Upper-secondary School (grades 10-12). These governmental regulations establish standards for activity for these two school levels. Gender equality is one of the core social values stipulated in the curricula that schools should consider in the school management... This principle should be taken into account also when compiling study materials. Also, in designing the social and mental environment of the school, the school life should be arranged based on the principle of gender equality.

148. According to the GEA, the curricula and study materials must facilitate the elimination of unequal treatment of men and women and promote gender equality.

(c) Gender stereotypes in education

149. A survey carried out in 2011 showed that teachers' views concerning male and female pupils and men and women (their behaviour, needs, capabilities, etc.) are, similarly to the general society, rather stereotypical. At the same time, a vast majority of the respondents believed that the principle of equal treatment is followed in the process of evaluation of pupils and that exactly the same norms are applied to the behaviour of boys and girls.

150. Analysis of citizenship and history textbooks carried out by ENUT showed continuous unequal representation of men and women and persistence of gender stereotypes.

Measures

151. Since 2007 the regulations of the Minister of Education and Research concerning educational literature in general and vocational education levels require that texts and illustrations in textbooks and other educational literature avoid stereotypes that encourage gender based prejudices.

152. In 2008-2015 several projects to promote gender equality from kindergarten to university were and continue to be carried out. In addition to research and analysis, trainings and other awareness raising activities, also teacher guidelines and recommendations for gender sensitive studies and study materials have been prepared. Most recent projects, carried out by EWAR and Praxis and financed from the Norway Grants programme, aim to integrate gender equality issues into higher education curricula, including teacher training.

(d) Encouraging women's research career

153. Female researchers receive maternity benefit from the state during their maternity leave and parental benefit. The period of maternity (parental) leave is taken into account in the process of evaluation and selection for female applicants for a researcher's position or funding.

(e) Level of education and life-long learning

154. School-life expectancy has increased for both women and men but remains longer for women (Annex I Table 8).

155. Women are also more active in training and individual development, participating in various trainings almost twice as much. The share of women in the age group of 25-64 participating in lifelong learning during the last four weeks grew from 8.5% in 2006 to 14,5% in 2011. The proportion of such men grew from 4,2% to 9,2%.

(f) Discontinuing studies

156. In 2006-2012 the number of those who drop out from general education decreased but the drop-out rate of men has been higher than that of women in both basic and upper-secondary school level (see Annex I Tables 9 and Table 10).

(g) Participating actively in sports and physical education

157. Information provided in the previous report is still relevant.

(h) Access to information to ensure the health and weil-being of families

158. See information provided under Article 16(e).

Article 11

(a) Right to work

Labour force participation

159. Women are traditionally less active in the labour market than men but their participation in the labour force has grown since the previous report. In 2012 71,3% of women aged 15-64 were active in the labour market; the gender gap of participation rates was 6,3 pp. The participation in the labour force is slightly higher in urban areas than in rural areas (72,2% and 69,1% respectively in 2012).

Employment and unemployment

160. Employment and unemployment rates are almost the same in rural and urban areas. In 2012, the employment rate of women in urban areas was 1,1 pp higher than that in rural areas (65% and 63,9% respectively). Also the unemployment rate among women in urban and rural areas did not differ remarkably, being 9,8% and 7,3% respectively.

161. During the reporting period, the employment rate has been higher among men than women and was also heavily influenced by the financial and economic crisis. The employment gap of women and men decreased from 5,5 pp in 2006 to 4,4 pp in 2011 and 2012, having been widest just before the crisis (6,8 pp in 2007 and 6,5 pp in 2008) and the smallest (0,5 pp) during the crisis in 2010. Employment rate decreased rapidly during the crisis and dropped from 67% in 2008 to 61% in 2010 for women and from 73% to 61% for men. By 2012, the employment rate had increased again to 65% for women and to 69% for men.

162. Unemployment rate is higher among men than women, possible explanations for this being the willingness of women to accept new jobs with lower salaries, and the fact that women change jobs less frequently than men. The gender gap in the unemployment rate varied from 0,7 pp in 2008 to 6,4 pp in 2009. By 2013 the gender gap had decreased again to 0,9 pp. But while during the economic crisis the increase in unemployment for women was 9 pp, from 5,1% in 2008 to 14,1% in 2010, the increase for men during the same period was 13,5 pp, from 5,8% to 19,3%. By 2013 the unemployment rate decreased to 9,1% for men and 8,2% for women.

163. The group least affected by the recession were women whose mother tongue is Estonian. Their unemployment rate was 11% at most. But similarly to women with mother tongue other than Estonian, whose unemployment rate was 22% during the recession, also their unemployment rate did not decrease as quickly as that of men.

164. During the reporting period the share of the long-term unemployed in the labour force has been lower for women but it has increased for both women and men. Also, among the unemployed women and men the share of long-term unemployed has risen compared to 2006, reaching 53,6% for women and 55,4% for men in 2012, which, on the other hand, are lower than e.g. in 2011.

(b) The right to the same employment opportunities

Legal measures

165. The GEA pays special attention to working life, listing the activities of the employer that are considered to be discriminatory, regulating the obligation of an employer to provide explanations when a person suspects discriminatory behaviour towards him or her, and stating the employers' tasks in promoting gender equality. The GEA also specifically prohibits discriminating offers of employment or training.

166. Together with other amendments to the GEA in 2009, several important amendments were also made to the specific regulation of discrimination in working life.

167. Before the amendments of 2009, overlooking or treating the person less favourably in any other way due to pregnancy, child-birth, parenting, performance of family obligations or other circumstances related to gender was specifically referred to as a discrimination in working life only in cases in which an employer selects for employment or a position, hires or admits to practical training, promotes, selects for training or performance of a task or sends for training. After the amendments, these circumstances cannot be a basis for a less favourable treatment also in other cases concerning employment.

168. In order to support this regulation, a prohibition was also added for employers and labour market service providers to request information concerning these circumstances from the persons wishing to find employment.

169. Additional specific reference was made to the prohibition of gender-based harassment in working life.

170. Also, the prohibition of adverse treatment of a person and causing negative consequences for the person due to the fact that the person has relied on the rights and obligations provided for in the GEA was widened and protection was added to persons who have supported another person upon the protection of his or her rights provided for in the GEA.

171. According to a new regulation also less favourable treatment of a person on grounds of sex in connection with his or her membership of an organisation of employees or employers, or any organisation whose members carry on a particular profession, including in connection with the person's participation in their work and the benefits provided for by such organisations is also deemed to be discriminatory.

172. Further, the regulation of compensation for damage was amended. In addition to information provided under Article 2(a)-(b), it was clarified that persons with whom the employer refused to enter into an employment contract or a contract for the provision of services or who were not appointed or elected to office on grounds of gender do not have the right to demand compensation for damage through the court or a labour dispute committee.

173. Relevant changes made to the Individual Labour Dispute Resolution Act concerned application of shared burden of proof in discrimination cases. They also included granting permission to act as representatives in discrimination dispute cases to persons who have a legitimate interest to monitor implementation of requirements of equal treatment.

174. The new Employment Contracts Act (ECA) entered into force in July 2009 incorporating also several previously separate act, including Wages Act, Working and Rest Time Act etc. The act contains a general provision obliging employers to ensure the protection of employees against discrimination, to follow the principle of equal treatment and to promote equality in accordance with the ETA and the GEA.

175. The new Public Service Act entered into force on 1 April 2013 stipulating that public offices have to ensure the protection of public servants against discrimination, follow the principle of equal treatment and promote equality.

176. Therefore, after the 1st of April 2013 the only specific regulation concerning equal treatment of men and women in both public and private employment relations remains in the Gender Equality Act.

Other measures

177. During the reporting period gender equality policies and measures had a strong emphasis on promoting gender equality in working life. A number of programmes and projects were implemented both by the state and other stakeholders, including two large-scale European Social Fund programmes for promoting gender equality from 2008 to 2015. The main aim of the activities has been raising awareness of specific stakeholders and general public about gender stereotypes and rights, obligations and benefits concerning gender equality. Activities have included trainings and other awareness raising events, guidelines for employers, specific information materials on the GEA for legal experts and general public, studies, wide-scale media campaigns etc. Gender pay gap, reconciliation of work and family life, but also e.g. active fatherhood have been the focus of several activities.

178. In 2012-2016, a 2 000 000 EUR programme for mainstreaming gender equality and work-life balance is carried out with financing from the Norway Grants 2009-2014, co-ordinated by the Ministry of Social Affairs. Different projects are being implemented under the programme, including one aimed at developing a new concept for gathering and analysing gender pay gap statistics by the Statistics Estonia and the other targeted inter alia at raising rights awareness and helping victims of discrimination directly through strategic litigation as well as increasing the capacity of officials assisting discrimination victims, carried out by the Gender Equality and Equal Treatment Commissioner.

(c) Free choice of profession and employment

Horizontal and vertical segregation of the labour market

179. Estonian labour market features a high degree of gender segregation. Men and women are engaged in different areas of activities, which indicate that traditional patterns of jobs for men and women continue to prevail. While women were mostly employed in education (16,5% of employed women in 2012), wholesale and retail trade (15,4%) and manufacturing (14,9%), men were mainly employed in manufacturing (22,7%), construction (17,2%) and transportation and storage (11,5%).

180. Also, occupational segregation exists in the labour market. Women were mostly employed as professionals (26,7% in 2012), service and sales workers (20,1%) and technicians and associate professionals (15,3%). The most common occupations for men were craft and related trades work (26,5% in 2012) and plant

and machine operator (18,5%). 12,5% of men and 5,9% of women worked as managers in 2012. Altogether, 31,9% of managers were women that year. Also in the public sector women occupy most of the specialist and chief specialist posts but are the minority when it comes to higher positions.

Legal measures

181. According to the Constitution an Estonian citizen has the right to freely choose his or her area of activity, profession and place of work. Citizens of foreign states and stateless persons in Estonia have this right equally with Estonian citizens, unless otherwise provided by law.

182. ILO Convention C45 (underground work of women) was denounced by Estonia in December 2007 abolishing general prohibition of these jobs to women. Additionally, together with coming into force of the new ECA in 2009, the list of physically strenuous jobs and of jobs posing a health hazard where the employment of women was prohibited, no longer exists.

Other measures

183. Traditional gender stereotypes concerning vocational and career choices were the topic of wide-scale awareness raising campaigns carried out in 2010 and 2013.

(d) The right to equal remuneration and to equal treatment in respect of work of equal value

184. According to a major study on gender pay gap carried out in 2009-2010, during 2000–2008 the general gender pay gap in Estonia was an average of 28.6%. Unexplained wage difference formed approximately 85% of the general gender pay gap. The pay gap was largest among women and men aged 25–45, when starting a family and raising children is most likely.

185. There have been some inconsistencies concerning gender pay gap data during the reporting period. For administrative reasons there is no sex-segregated earnings, wages nor salaries data available for 2009. The data for 2006-2008 and for 2010 is not comparable in details due to methodological changes in the classification system. For 2011 there is data available for the wages and salaries of women and men by economic activity. A new concept for collecting pay gap statistics is being prepared that should guarantee provision of up-to-date and comparable data in the future.

186. In 2006, the gap between gross hourly earnings of women and men was 27%. It increased during the economic growth to 27,6% in 2007, but started to decrease when the economic recession began. In 2008, the gap was 24,4% and in 2010 23,3%. By 2011 the gap between wages and salaries of women and men had decreased to 22,9% but increased again to 24,6% in 2012. For more detailed information on gender pay gap in major groups of occupation or sectors of economic activity, see Annex I Table 11 and 12.

187. Average gross hourly earnings also have a correlation with the level of education. However, the gender pay gap remains also here. Women's earnings mostly formed smallest percentage of males' earnings at the level of upper secondary vocational education (65,73% in 2006, 70,06% in 2010). The percentage

has been biggest among women and men with a doctor's degree (79,77% in 2006 and 85,72% in 2010).

188. In the public sector the gender pay gap is smaller but the functions where women are generally employed (recreation, culture and religion, education and social protection) stand out with lower wages. If generally the average monthly salary in the rest of the functions of the public sector is above the average salary of Estonia, then in education, social protection and recreation, culture and religion functions the average salary is between 0,7–0,9 of the average salary.

Legal measures

189. In addition to general regulation of the Employment Contracts Act, described above, the ECA also foresees that a written document of an employment contract has to contain information about the agreed remuneration payable for the work (wages), including remuneration payable based on the economic performance and transactions, and the manner of calculation, the procedure for payment and the pay day, also taxes and payments payable and withheld by the employer. The information about remuneration has to be communicated in good faith, clearly and unambiguously. State supervision over communicating this data is exercised by the Labour Inspectorate.

190. The ECA also obligates the employer, at the request of the employee, to provide the latter with information about the wages calculated and paid or payable to the employee, and provide other notices characterising the employee or the employment relationship. At the same time the ECA also prohibits the disclosure, without the employee's consent or legal basis, of information about the wages calculated, paid or payable to the employee.

191. According to the new Public Administration Act, the salary of an official is comprised of the basic salary, variable salary and additional remuneration. The basic salary or its range for the post, the conditions and procedure for payment of the variable salary, additional remuneration and benefits provided by law and the time and manner of the payment of the salary are prescribed in a salary guide, also published on the web page of the authority. The basic salary of an official as of the current calendar year and the income arising from his or her functions in the total amount for the previous calendar year are published on the central web page of the civil service.

192. According to the GEA, the activities of an employer are deemed to be discriminating if the employer establishes conditions for remuneration or conditions for the provision and receipt of benefits related to employment relationship which are less favourable regarding an employee(s) of one sex compared with an employee(s) of the other sex doing the same work or work to which equal value is attributed.

193. In order to raise the efficiency of the Gender Equality and Equal Treatment Commissioner in equal pay cases, the ETA provides from October 2009 specifically that the Commissioners` right to obtain information includes also information concerning the remuneration calculated, paid or payable to an employee, the conditions for remuneration and other benefits.

Other measures

194. In 2011 the Parliament proposed to the Government to prepare an action plan to reduce gender pay gap in Estonia. The plan was approved in summer 2012. It is based on the assumption, pointed out also in the gender pay gap study, that the causes of the gender pay gap in Estonia are diverse. It also takes note of the policy recommendations of researchers. There are five objectives set in the action plan: 1) improving the implementation of the existing GEA (e.g. improvement of the collection of statistics, awareness raising, supporting the work of the Commissioner etc.); 2) improving the possibilities of reconciling work, family and private life (e.g. activities targeting employers); 3) gender mainstreaming, especially in the field of education; 4) reducing gender segregation; 5) analysing and improving the organizational practices and pay systems in the public sector. The activities are mostly implemented with the financial support from the ESF gender equality programme and the Norway Grants gender equality and work-life balance programme.

(e) The right to social security

Parental pension

195. In June 2012 amendments were adopted to the Funded Pensions Act and the State Pension Insurance Act and Other Associated Acts. The new legislation provides for the making of a supplementary funded pension contribution related to raising a child and the payment of a pension supplement with the aim of compensating for the potential reduction of pension of the parent in the future as a result of raising a child. According to the Act, the state will pay 4% on the national average remuneration subject to social tax to the second pillar pension of the parent to one parent of a child born on 1 January 2013 or later for raising the child, until the child attains three years of age. The state will also pay a pension supplement in the amount of the value of two years of pensionable service to one parent of a child born during the period 1 January 1991 to 31 December 2012 with a view to ensuring solidarity between generations, and, as of 1 January 2018, an additional pension supplement in the amount of the value of one year of pensionable service to one parent of a child born before 1 January 2013.

(f) Protection of health and safety in working conditions

196. Occupational health and safety requirements at work are provided in the Occupational Health and Safety Act. State supervision over compliance with these requirements is exercised by the Labour Inspectorate.

197. Under the GEA the employers have a duty to create working conditions which are suitable for both women and men and support the reconciling of work and family life, taking into account the needs of employees.

Pregnant and nursing employees

198. An employer has to create suitable working and rest conditions for pregnant women and women who are breastfeeding. Upon assigning work to pregnant women and women who are breastfeeding, employers are to observe the restrictions provided by legislation to ensure their safety.

199. An employer is required to provide pregnant women a time off for ante-natal examinations, which is considered working time. Law guarantees to breastfeeding mothers additional breaks to which they are entitled until the child reaches the age of 18 months. The breaks for feeding a child are considered working time and average wage is paid for this time from the state budget, unless the mother is paid the parental benefit for raising the child. These conditions also apply to public servants.

2. Preventing discrimination against women on the grounds of maternity

(a) Prohibition of dismissal

200. According to the ECA, pregnancy, the right to pregnancy and maternity leave and performance of important family duties cannot be grounds for cancelling the employment contract. In the event of cancellation of an employment contract with such an employee, it is presumed that the contract has been cancelled in violation of the prohibition and the employer must prove that the cancellation was for other reasons. It is also prohibited to cancel an employment contract with a pregnant woman or a woman who has the right to pregnancy and maternity leave due to a decrease in the employee's capacity for work. Additional restrictions apply in cases of lay-off. Cancellation of an employment contract without a legal basis or in conflict with the law is void.

(b) Maternity leave

201. Both employees and public servants have a right to pregnancy and maternity leave for 140 calendar days. The leave becomes collectible from 70 calendar days before the estimated date of birth and is compensated by the state.

202. According to the ECA, upon termination of pregnancy and maternity leave, in addition to her previous work position, a woman is entitled to use the improved working conditions which she would have been entitled to during her absence. Based on the specifics of the leave systems, this regulation is also interpreted to include the situation of return from the child care leave.

203. In recent years the Gender Equality and Equal Treatment Commissioner has received several complaints concerning discrimination of employees returning from the child care leave. There are three types of cases. In the first type of cases an employer cancels the employment contract due to lay-off after the return of the employee from a child care leave. In the second type of cases the employer puts pressure on the employee to accept a lower-rank position after the child care leave. In the third type of cases an employer expects the employee to prove herself again after the child care leave by either offering her lower pay for some period of time or the status of an apprentice.

(c) Reconciliation of work and family life

204. Although the employment rate of women is relatively high, there is a large employment gap between women and men with small children. In 2011, the employment gap between women and men with 0-2-year-old children was 61,2 pp (see Annex I Table 13). Factors influencing this are a long child care leave right period, generous parental benefit, shortfall in sharing the care burden between women and men, and shortage of suitable and affordable child-care services for children in this age group. Of 1-year-old children, 20,4% were enrolled in preschool institutions in 2011. The ratio was remarkably higher at the ages of 2 (67,6% in 2011) and 3 (88,7 in 2011). See Annex I Table 14.

Legislative measures

205. To support work-life balance, parents are entitled to different types of parental leaves under the ECA, including 10-workdays paternity leave, child care leave until the child reaches the age of 3, additional child leave of 3-6 working days per year for parents of children under 14 year of age, additional leave of 1 working day per month for parents with underage disabled child and a child leave without pay of up to 10 working days per year.

206. Parental benefit system entered into force in with an aim to retain, by grant of support by the state, the earlier income for the person whose income decreases or is suspended due to the raising of a small child, and to support the reconciliation of work and family life. The amount of the monthly payment of parental benefit equals to 100% of the average monthly income of the parent in previous calendar year, but is not lower than the minimum wage nor higher than three times the average monthly income. Persons who have not received income are ensured with income to the extent of the benefit rate. From 2008 the period of payment was increased to a maximum of 575 days (140 days for maternity benefit and 435 days for parental benefit). After 70 days from childbirth fathers have equal rights to parental benefit. If one of the parents is on child care leave after that, this parent has the right to benefit. The parents may use the right alternately, one parent at a time, in one or several parts. The proportion of men among the benefit receivers is less than 10%.

Childcare

207. In accordance with the Pre-School Child Institutions Act local governments are obliged to secure a place in a municipal childcare facility to children aged between 1,5 – 7. Usually child care institutions meet the needs of a parent working full-time. Municipalities decide upon the child care fee paid but it may not exceed 20% of the minimum wage. Some municipalities support parents by paying for their child-care services. The state covers child-care service fees for children with a severe or profound disability aged 0-18 in a fixed amount.

208. In 2014-2015 a project is being implemented under Norway Grants programme aiming at creating a mechanism design for providing efficiency and equity in matching kindergartens and children. Also, European Structural Funds will be used to establish new childcare places and support the provision of childcare service.

(d) Special protection to women during pregnancy in harmful work

209. The occupational health and safety requirements for the work of pregnant and breastfeeding women have been established by the Government Regulation of 2009 which obliges employers to carry out risk assessments, implement precautions and forbids allowing pregnant and breastfeeding women to work in case of some risks and conditions.

210. Additionally, according to the ECA, if the state of health of a pregnant employee or an employee entitled to pregnancy and maternity leave does not allow for the performance of her duties she has the right to demand to be temporarily provided with more suitable work. If such work cannot be provided, the employee may temporarily refuse to work. The law also foresees paying compensation to women in these situations.

211. According to the PSA, a pregnant public servant is entitled temporarily to have her service conditions eased or to be transferred to another position. In case it is not possible, the public servant is released from fulfilling the tasks and is entitled to receive a compensation.

3. Revising protective legislation

The occupational health and safety requirements for the work of pregnant women and women who are breastfeeding were amended in 2009 in accordance with the new provisions of the Occupational Health and Safety Act. The regulation is based on the European norms on safe working environment.

Article 12

Health care

212. Life expectancy at birth has increased for both women and men but has remained remarkably higher for women than for men. In 2006 the life expectancy at birth was 67,36 years for men and 78,45 years for women, in 2011 it was already 71,16 and 81.09 respectively. In 2010, for the first time the difference between the expected lifetime of women and men remained below 10 years.

213. When comparing the healthy life years expectancy at birth for years 2006 and 2011, an increase can be seen for both men and women, respectively from 49,7 to 53,9 years for men and from 53,9 to 57,7 years for women (see Annex I Table 15).

214. According to the survey of populations' assessment of health and medical care, in 2011 about half of the respondents, slightly more men than women, considered their health to be either very good or good (51,8% and 49% respectively). The results were similar to responses of 2006 (see Annex I Table 16).

215. The proportion of persons with a long-term illness or a health problem has increased during the reporting period for both women and men from 33,3% among women and 26,6% among men in 2006 to 33,8% and 29,5% respectively in 2010. As in 2006-2010 the question asked concerned only those long-term illnesses or health problems which restricted the every-day activities of a person, the data for 2011, which shows an increase in numbers, is not comparable with the earlier data (see Annex I Table 17).

216. In 2011, 61% of the population considered the Estonian health system good, 33% considered it poor. 78% of the population was satisfied with the GP system, which allows to contact a family physician for any health problem.

217. In addition, 72% of the population considered the quality of medical services to be good. While this proportion remained almost the same in 2008-2011 (72%-74%), the percentage of those considering the quality bad increased from 17% in 2008 to 24% in 2011. Better assessment to the quality of medical services was given by Estonians (78%; compared to 61% by Non-Estonians), people younger than 40 years of age (76%) and those living in rural areas (76%).

218. The main problem indicated concerning access to medical services has been the long waiting time for an appointment to both family physicians and special physicians. The proportion of those who had to wait more than a month from registration to visit a special physician increased from 22% in 2006 to 39% in 2011. In comparison, the family physicians are much more easily accessible with only 6% of respondents waiting more than a week in 2011.

Measures

Health care system

219. The health care system is based on compulsory, solidarity-based insurance and universal access to health services made available by providers that operate under private law. Health insurance provides universal coverage and its scope in terms of in-kind and cash benefits for insured individuals is wide-ranging. In 2011, the health insurance coverage for the age group of 20-59 years was 79,1% for men and 88,9% for women. Emergency medical care is also available for uninsured persons. Pregnant women and persons receiving child care allowance (paid until the child becomes 3 years old) are automatically insured.

National Health Development Plan 2009-2020

220. The general objective of the National Health Development Plan 2009-2020 is to increase the number of healthy life years by decreasing mortality and morbidity rates. It focuses on the increase in social cohesion and equal opportunities, ensuring healthy and safe development of children, development of a health-supportive environment, promotion of a healthy lifestyle and securing sustainability of the healthcare system.

221. Reproductive and sexual health is dealt with in the Plan, with measures to raise awareness of reproductive and sexual health issues, prevent unwanted pregnancies and sexually transmitted diseases, reduce the social and health problems caused by infertility, promote health and healthy behaviour of pregnant women, promote breastfeeding infants, improve availability of high-quality healthcare, counselling and support services for pregnant women and families with infants etc.

HIV/AIDS

222. HIV continues to be a serious challenge for Estonia, although the rates of new infections are decreasing. In 2012, approximately 24 new cases per 100 000 persons were registered (compared to 106,2 in 2001). In 2000-2013, almost 70% of all new cases of HIV were discovered among men, but the share of women has increased.

Among young persons (15-24), the proportion of women has been higher in recent years (63% in 2013). In 2012, the proportion of pregnant women infected with HIV was 1,05%; however, the proportion of vertical infection with HIV of all new cases remains below 2% (1,3% of registered cases in 2012, 0,6% in 2013). On an average 20% of new HIV cases among women are diagnosed during pregnancy.

HIV prevention and care

223. The general goal of the National HIV and AIDS Strategy for 2006–2015 is to achieve a constant decline in the newly diagnosed HIV cases. The priorities of the strategy include harm reduction for injecting drug users, prevention work for young people with a focus on at-risk youth and specific health and social support services for persons living with HIV. There are targeted measures in the strategy to prevent the spread of HIV infection among persons involved in prostitution, injecting drug users, other vulnerable groups and from mother to child. Among the measures is providing HIV testing and counselling service and anonymous diagnostics service of sexually transmitted infections for injecting drug users and their sexual partners. An instruction has been created on HIV testing and assignment of therapy for providers of health services, to bring as many people as possible to the attention of the health care system to ensure as high quality of life to HIV-positive people as possible. The implementation of the Strategy is coordinated by a high-level, multi-sectorial HIV and AIDS committee.

224. All women who register their pregnancy are HIV tested. Organizations working with HIV-positive women have been trained on reproductive health of women, contraceptives, normal development of pregnancy, most frequent problems during pregnancy, HIV treatment during pregnancy, principles of counselling and new-borns and their care. An information material has been compiled on the topic HIV and pregnancy. Food mixtures are being distributed for babies born from HIV-positive women.

2. Services in connection with pregnancy, confinement and the post-natal period

225. Obstetric medical services are provided by hospitals in 13 of 15 counties. Independent antenatal care may be provided by a gynaecologist, midwife or family physician upon the choice of a pregnant woman. Approximately 99.9% of births are attended by skilled health professionals and the estimated antenatal care coverage is 95-99%.

226. The Estonian Gynaecologists' Society has developed a pregnancy monitoring guide which includes guidance for nutrition, vaccination, work arrangements etc. during the pregnancy. Information about pregnancy, breast-feeding, nutrition etc. is also available through the Internet.

227. To support safe pregnancy, a pregnancy crisis counselling is provided, which was used by 1,648 people 3,641 times in 2011. Services of family schools, antenatal and postnatal counselling and web counselling services for families were also developed. To ensure the safety of women wishing to give birth at home, amendments to legislation regulating the provision of independent midwife support entered into force in 2014.

Article 13

(a) The right to family benefits

228. Family benefits are paid according to the State Family Benefits Act and are monthly family benefits (child allowance, child care allowance, single parent's child allowance, conscript's child allowance, foster care allowance and parent's allowance for families with seven or more children) and single family benefits (childbirth allowance, adoption allowance and start in independent life allowance). Additional needs-based benefit for families with children who live in relative poverty was introduced in 2013.

229. Family benefits are paid to permanent residents and aliens legally residing in Estonia. Family members residing in Estonia and children who do not live with the family due to studying abroad have also the right to receive family benefits, unless they receive the corresponding benefits of another state.

Tax benefits for families with children

230. One of the parents (or a person providing for a child) can deduct additional basic exemption from taxable income for every child up to the age of 17 starting from the second child in the family. Also, one of the parents of a child (or person providing financial support for a child) may deduct from taxable income education and training costs paid for a dependent under the age of 26. Among the deductible costs is a kindergarten fee (except food costs).

(b) Equal treatment regarding insurance

231. According to the amendments of the Insurance Activities Act from 2008, differences in insurance premiums and indemnities of women and men cannot be caused by the use of sex as a factor in the assessment of insurance risks. Also, pregnancy and motherhood cannot influence the individual insurance premiums and indemnities. While until 21st of December 2012 the insurance provider could take into account the concurrence of sex and age factors when calculating the risks of death and survival concerning accident, sickness and life insurance, in case the sex influenced the insurance risk differently in different age groups, from 2013, the insurer is only permitted in the assessment of insured risks in sickness insurance to take into account the risks which are characteristic only of persons of one sex, and to differentiate, if necessary, to the extent of the specified risks the insurance premiums and insurance indemnities of women and men.

(c) The right to participate in sports and cultural life

232. According to the 2009-2010 time use survey 41% men and 31% of women engaged in sports in their free time. Most people (57% of men and 64% of women) were exercising independently from sports-clubs.

233. At the end of 2010, 129 839 persons were going in for sports in some sports-club, 39% of them women. Compared to 2006 the numbers had decreased for both men and women.

234. During the period of 2007-2011, 488 sportsmen and -women received a state stipend, 36% of them women. From the whole budget, women received 33%.

In general, women are more active in participation in cultural life. In 2011, the proportion of women among visitors of cultural events was 73%. The crises did not remarkably influence consumption of culture as such. When in 2007 81,1% of men and 89,4% of women in the age group of 20-64 said that they had participated in the cultural life during the last 12 months, then in 2009-2010 the respective percentages were 79,6 and 88,1.

Article 14

1. Women's employment in rural areas

235. Due to better employment, recreational and self-realisation opportunities the population in Estonia tends to cluster in larger urban regions, especially in nearby hinterlands of urban centres, while also increasing its spatial mobility. At the beginning of 2011, 41,2% of residents lived in the Harju County (surrounding the capital). County surrounding the second biggest city has been the only other with an increasing share of population in recent years. The development prospects of other regions are more restricted by negative internal migration and ageing. The population of all rural settlements has decreased at a higher rate than that of urban settlements.

236. During the whole period only about 29% of women and 31% of men lived in rural settlements. The number of men living in rural settlements decreased from 200 033 in 2006 to 198 338 and the number of women from 212 331 in 2006 to 211 084 by 2011.

237. The division of population to women and men is slightly more equal in rural settlements than in urban settlements. In 2006, women made up 55,03% of the population in urban and 51,49% of the population in rural settlements, in 2012 the respective percentages were 54,9 and 51,56.

238. As to the comparison of labour force participation rate, employment rate and unemployment rate of women in urban and rural areas, see Article 11.1(a).

239. The majority of employed women in rural settlements were employed in tertiary sector (74,6% in 2011), whereas men were more equally divided between secondary and tertiary sectors (44,4% and 38,7% respectively).

240. During the whole reporting period the most popular fields of economic activity in rural settlements were manufacturing (18,2% of all employed persons in 2011), agriculture, forestry and fishing (12,6%), wholesale and retail trade; repair of motor vehicles and motorcycles (12,2%), construction (11,6%) and education (11,3%).

241. According to the results of Agricultural Census, carried out during the reporting period in 2005, 2007 and 2010, the gender gap in the number of persons employed in the farm work of holdings was not very big, but had increased, especially when comparing 2007 and 2010. While the gap was very small among natural persons in 2005 and 2007 (0,6 pp and 1,6 pp respectively), by 2010 it had increased to 8,3 pp. Among persons working for legal persons, the gender gap increased from 12 pp in 2007 to 15 pp in 2010. See Annex I Table 18.

242. The number of family labour force decreased from 68 781 persons (34 609 men and 34 172 women) in 2005 to 39 690 (21 407 men and 18 283 women) in 2010.

Measures

243. The Ministry of Agriculture contributes to development of rural areas mainly through implementation of support measures of the Common Agricultural Policy of the EU. Subsidies for rural development have been provided in the framework of the Estonian Rural Development Plan 2007–2013 (ERDP). The subsidies are partly financed from the European Agricultural Fund for Rural Development (the EAFRD).

244. An ERDP measure Leader has been implemented to promote local initiative, contributing to the improvement of competitiveness of agriculture and forestry, of the environment and the countryside, and particularly to the improvement of the quality of life and to the diversification of economic activities through mobilising the internal development potential of the rural area. Through this measure 141,5 workplaces were created for women, 108 of these for women under 25 years of age. 60% of managers of Leader activity groups were women.

245. The budget of implementation of the ERDP 2007–2013 was approximately 935 million EUR. The ways to consider the principle of equality between men and women differed by measures, and it was better applicable in relation to the measure for diversification of the rural economy, the measure for village renewal and development and in case of implementing Leader-activities. According to the detailed evaluation criteria of support applications, an advantage could be given to enterprises with more women in the management. Women made up 24% of receivers of subsidies for starting an agricultural business.

246. In 2007, a replacement service for small and medium-sized agricultural producers was launched. A grant paid to the organisation or enterprise organising the provision of replacement service to the agricultural producer enables to hire a replacement for the time of either a vacation (28 days) or illness (maximum 21 days). Since 2011 it is also possible to use the replacement service for 5 days during sickness of a child up to 7 years of age and since 2012 within 140 days during the period of pregnancy and maternity leave. In 2007, the service was used 14 agricultural producers, 13 of whom were women, in 2011 the respective numbers were 146 and 46 and in 2012 166 and 54.

2. Rural development

(a) Participation in development planning

247. Rural women have a possibility to participate as members of economic and social partner organisations in the planning and implementation of rural development policy in the framework of supervisory commission of the Estonian Rural Development Plan 2007–2013. Among others, NGO ETNA Estonia, an association of rural women, was also involved in the preparation of the ERDP.

(b) Access to adequate health care facilities

248. See information Articles 12 and 16.

(c) Social security programmes

249. In order to enhance the social protection of spouses involved in the work of (mainly) rural household businesses several changes were made to the Estonian

legislation that came into force in 2012. The changes provide spouses engaged in the activities of the business of the self-employed worker the voluntary possibility for the same social protection under law as the self-employed workers have. In order for this social protection to be provided, the self-employed worker has to register his or her spouse in the register of taxable persons and pay social tax for the registered spouse. The social protection thereby provided includes e.g. state pension insurance and health insurance, which, in turn, includes benefit for temporary incapacity for work.

(d) Training and ICT literacy

250. The overall objective of the training and information activities measure implemented in the framework of the ERDP 2007–2013 was to improve the competitiveness of agricultural, food and forestry sectors through the development of human potential of those sectors. During the period of 2007-2012, 42,7% of participants in training and information activities were women.

251. In 2011, 76,5% of the population aged 16-74 were internet users. The proportion of internet users was bigger among younger people. In order to improve economic possibilities of the rural population, Estonia has started to equip rural areas with broadband internet to provide people living in rural areas better conditions to participate in the labour market, e.g. by using teleworking possibilities.

252. An information campaign was carried out in 2010 to raise public awareness about the possibilities provided in the state information portal. The campaign paid special attention to inhabitants of rural areas who can especially benefit from the services provided through the portal.

(e) Promoting self-employment

253. ETNA Estonia is an NGO specifically concentrating on promoting and supporting entrepreneurship among rural women. In 2012-2014, it run a microcredit project, co-financed by the Open Estonia Foundation, to offer a comprehensive support package for women wishing to start with entrepreneurship or widen their business. The support package included mentoring, entrepreneurship trainings and entrepreneurship loans for women. By the end of the project, 34 loan contracts were concluded and 66 035 EUR of the whole 95 860 EUR loan resource had been distributed. The financial mechanism continues to exist also after the end of the project.

(f) Participation in all community activities

254. Rural women are active members of the society. The Association of Estonian Rural Women serves as an umbrella organisation and aims to create a social, cultural, educational and development network for rural women. The association includes regional organisations in all counties.

255. In 2010 the state started a two-year e-democracy project to widen the range of possibilities for people to participate in the decision-making processes. The project included co-operation with different support-structures of the civil society, preparing guidelines for e-inclusion etc.

(g) Access to agricultural credit and loans etc.

256. No new information to provide.

(h) Adequate living conditions

257. In 2006, in 52.9% of households in urban settlements and in 43,8% of dwellings in rural settlements the condition of the dwelling was good or very good. By 2011 the percentages had increased to 65,5 and 58,4 respectively (Annex I Table 19). Overall improvement can also be seen regarding different aspects of living conditions, e.g. availability of running water, sewage disposal system etc.

258. In 2008-2010, the state provided benefits for families with four and more children to improve their housing conditions by co-financing the improvement activities from 90% to 100%. The supporting benefit could be used e.g. for decreasing the main part of housing loan, acquiring a new housing, reconstruction, renovation etc.

Article 15

259. No new information to provide.

Article 16

1. Equal rights in matters relating to marriage and family

(a) Right to enter into marriage

260. The new Family Law Act entered into force on 1st of July 2010. The main principles and relevant provisions concerning equal rights of men and women have not been changed in comparison with the previous Act.

261. The regulation of rights to enter into marriage is the same for women and men. Only adults may enter into marriage, but a court may extend the active legal capacity of a person who has attained at least 15 years of age (see point 2 of this Article). An adult with restricted active legal capacity may marry only if he or she understands sufficiently the legal consequences of marriage.

262. When comparing the number of registered marriages in 2006 and 2011 some decrease can be noted from 6954 to 5499. Also, a remarkable decrease can be noted, both among men and women, in marrying at a very young age (15-19). The largest number of newly married persons belong to the age group of 25-29, both among men and women. See Annex I Table 20.

(b) Free and full consent

263. According to the new FLA, a marriage is contracted provided that prospective spouses express their will to contract marriage before a registry official both being present in person at the same time. A declaration of intention to contract marriage has to be unconditional. Marriage is not contracted if a prospective spouse does not confirm his or her wish to marry or if a prospective spouse is not of the age to marry or if other hindrances to contracting a marriage become evident.

264. Also some parts of the regulation of annulment and nullity of marriage support observance of the principle of free will. The marriage can be annulled if at the time of contraction of the marriage, at least one spouse was incapable to exercise his or her will for any reason or if the marriage was contracted by fraud, threat or violence, or if it was not the intention of one or neither of the parties to perform the obligations arising from the marital status, but the marriage was contracted with other intentions, in particular with an aim to obtain a residence permit of Estonia (ostensible marriage). The marriage will not be annulled if the spouse confirms, after restoration of the capability to exercise his or her will, that he or she wishes to continue the marriage, and in the case of an ostensible marriage, the spouses have lived together as spouses for at least three years or children have been born in the marriage. Not expressing his or her will to contract marriage is also one of the grounds for nullity of a marriage. A registry official of a vital statistics office does not confirm the contraction of marriage if there is reason to presume that grounds for annulment or nullity of the marriage exist.

(c) The same rights and responsibilities during marriage and at its dissolution

265. Spouses retain the same personal rights upon entering into marriage as they had before the marriage relationship. Equality of the spouses is protected by law.

266. According to the new FLA, spouses have equal rights and obligations with respect to each other and family. They should organise together their marital cohabitation and satisfaction of the needs of their family considering the well-being of each other and their children and they have to accept responsibilities relating to marriage with regard to the other. The law obliges spouses to participate in the organisation of the shared household and earning of income to the best of their abilities. Non-performance of these obligations can only be the basis for a divorce claim.

267. Spouses have reciprocal obligations to maintain their family by their work and assets. Maintenance of family includes the activities and proprietary contributions necessary according to the living conditions of the family for covering the expenses of the shared household and for the satisfaction of the common and special needs of both spouses and the children dependent on them (i.e. expenses made in the interests of the family).

268. If one spouse makes bigger monetary expenses concerning his or her family than the other spouse, it is presumed by law that he or she does not have the right to require compensation from the other spouse for this. A spouse is liable for the performance of the obligations assumed by the other spouse in so far as the spouse may represent the other spouse or obligate the other spouse by his or her acts.

269. The FLA also regulates cases of legal separation. If spouses are legally separated, each spouse has to provide maintenance in regularly paid amounts of money for the satisfaction of the common needs of the other spouse on the same basis as in the case of maintenance of the family described above. However, a separated spouse is not entitled to claim maintenance from the other spouse if he or she is able to take care of himself or herself or if legal separation was caused by his or her conduct.

270. A marriage terminates if a spouse dies or in case of a divorce. A vital statistics office may grant divorce upon agreement of the spouses on the basis of a joint

written petition and on condition that both spouses reside in Estonia. A marriage may be divorced also by a court judgement on the basis of an action of one spouse against the other. A divorce may be granted by the court if conjugal relations have definitively terminated, i.e. the spouses do not have matrimonial cohabitation anymore and there is a reason to believe that that the spouses will not restore cohabitation.

271. The number of divorces decreased yearly from 3811 in 2006 to 2989 in 2010 and increased slightly in 2011 to 3099. In 2011 the largest number of marriages were divorced after the marriage had lasted 20 years and more (805 divorces). Many divorces took place also after 5-9 years of marriage. See Annex I Table 21. Among very young people (age group of 15-19) the number of men getting divorced in 2011 was 3 and the number of women 8.

272. In most cases of divorce there are either no children under 18 years of age (45,37% of all divorces in 2011) or there is one child (35,79% of all divorces in 2011). See Annex I Table 22.

(d) The same rights and responsibilities as parents

273. According to the Family Law Act, parents have equal rights and obligations with respect to their children unless otherwise provided by law. Both parents have the obligation and the right to care for their minor child (parent's right of custody). The parent's right of custody includes the right to care for the person of the child (custody over person) and for the property of the child (custody over property) and decide on matters related to the child. If the development level of a child so allows, the parents have to discuss the caring and raising issues with the child.

274. Parents who are married to each other have joint custody over their child. If the parents of a child are not married to each other at the time of birth of the child, they will have joint right of custody unless they have expressed their wish to leave the right of custody only to one of the parents upon submitting the declarations of intention concerning the acknowledgement of paternity. Parents are obliged to exercise joint right of custody with respect to their child and perform the custodial obligation on their own responsibility and unanimously considering all-round well-being of the child.

275. In case the parents are not married, the consent of the mother of the child is required for acknowledgement of paternity, strengthening thereby the position of the woman.

276. According to the FLA, the father of a child is required to provide maintenance to the mother of the child eight weeks before and twelve weeks after the birth of the child. The right to demand maintenance from the father of the child does not depend on marriage. If a man and a woman have a child together, the mother is entitled to demand maintenance from the father on the following conditions. In case a mother is unable to maintain herself due to a health disorder caused by pregnancy or childbirth, the father is required to provide maintenance until the improvement of her state of health. The same applies if a mother is unable to receive income due to taking care of the child. This obligation to provide maintenance commences not earlier than four months before the birth of a child and terminates after three years have passed from the birth of the child.

277. The divorce or separation of the parents will not, as such, affect the parental responsibilities. Both parents normally retain full parental responsibility even if they live apart. They are expected to agree on with which parent the child will reside and in what manner either of the parents will participate in the raising of the child. Such agreement may also be informal. In the absence of the agreement between the parents, the guardianship authority or a court will settle the dispute at the request of either parent. The court can confirm an agreement of the parents or regulate questions of parental responsibility mandatorily.

278. A minor child and a child who continues to acquire basic or secondary education in basic school, upper secondary school or vocational school as an adult but not more than until he or she attains 21 years of age are entitled to a maintenance. If the parent of a minor child does not live together with the child or does not participate in raising of the child, he or she performs the obligation to maintain the child primarily by making periodic payments of money (support). The parent living together with the child has to use the support in the interests of the child.

279. According to the Maintenance Allowance Act that entered into force in January 2008, the maintenance allowance is paid by the state for a child whose parent does not perform the maintenance obligation. Maintenance allowance is paid during the court proceedings for ordering payment of maintenance during 90 days. The number of maintenance allowance recipients increased considerably during the three initial years 2008-2010 that the allowance was available. The highest number of recipients was in 2010, when maintenance allowance was paid for 588 children in 416 families. In 2011, the number of maintenance allowance recipients decreased and maintenance allowance was paid to 402 children in 270 families.

(e) Exercising rights to decide freely and responsibly on the number and spacing of children

280. No changes have been made to the legal framework compared to the information provided in the previous report. The state recognizes the right of every person to decide if and when to start a family and to have children.

281. During the reporting period there has been a decrease in the number of children whose parents are not married and whose father is not identified when registering the birth. When in 2006 the proportion of such registrations was 15,78% then by 2011 it had decreased to 9,73%.

Legal and other measures

282. According to the Termination of Pregnancy and Sterilization Act, a pregnancy can be terminated only at the woman's own written request and after explanation by a doctor about the biological and medical nature of the abortion and associated risks, including possible complications. Pre-abortion and post-abortion counselling is provided by gynaecologists.

283. In order to raise the quality of sexual health education, methodological manuals for teachers carrying out health education have been developed. In 2011, a guideline that includes the topic of sex education was prepared for youth workers, also relevant training is provided.

284. In order to promote good reproductive health among young people, the activities of the state financed counselling centres for people aged 15-24 providing free of charge services have continued in all counties. Vast majority of persons coming to the counselling centres are young women. Active use is also made of anonymous counselling via the internet. The state compensates 50% of the cost of contraceptive medicines to insured persons. Compensation of the cost of contraceptive medicines at a higher rate (75% or 100%) is provided in the case of medical indications, for example when pregnancy may endanger the life of a woman.

(f) Guardianship, adoption and curatorship of children

285. With respect to guardianship, adoption and curatorship of children, women and men have equal rights.

(g) Personal rights as husband and wife

286. See information provided under point 1(c) of this Article.

287. According to the Vital Statistics Registration Act, when submitting an application of marriage, both parties have to indicate whether he or she wants to keep present family name, take the partner's last name, or use a combination of both names.

(h) Property rights

288. According to the new FLA prospective spouses may select from among three types of proprietary relations: jointness of property, set-off of assets increment and separateness of property. In case the prospective spouses do not select a proprietary relationship and do not enter into a marital property contract, the provisions regarding jointness of property apply.

289. In the case of jointness of property, the objects and other proprietary rights transfer into the joint ownership of the spouses. This property relation is most similar to the main legal property relation in the previous FLA. In case of divorce, joint property will be divided between the spouses into equal parts unless otherwise agreed.

290. Separateness of property could similarly be chosen by the spouses under the previous FLA.

291. The set-off of assets increment has similar consequences to the jointness of property. This proprietary relation does not affect the ownership of the proprietary rights acquired by a spouse before or during the proprietary relationship but upon its termination, if the acquired assets of one spouse are greater than those of the other, one half of the difference between the values will belong to the spouse who received the smaller amount of acquired assets on the basis of a financial claim for set-off.

292. During the first year of new legislation, in case of 49% of marriages either the set-off of assets increment or separateness of property was chosen or a marital property contract was made, in 51% of cases jointness of property relation was accepted. As the main legal property relation remained to be jointness of property the government has not yet considered it necessary to analyse the effect of the new FLA to the gender equality concerning property relations between spouses.

293. In order to guarantee the necessary awareness of prospective and married couples, trainings have been conducted for persons entitled to contract a marriage, local authority officials, judges etc. Brochures are distributed to couples making an application for marriage.

294. Property rights of persons living in an unregistered cohabitation are protected according to the provisions of private law on general property relationships.

2. Marriages of minors

295. The number of persons contracting a marriage before reaching the age of 18 has been constantly decreasing. When in 2006 the number of such persons was 53 (2 males and 51 females), then by 2011 the number had decreased to 5 (all female). See Annex I Table 23.

296. There have been some improvements regarding the minimum age for marriage. According the new FLA only persons who have attained 18 years of age may get married. However, a court may extend the active legal capacity of a person who has attained at least 15 years of age for the performance of acts required for the contraction of marriage and the exercise of the rights and performance of the obligations related to marriage. This regulation varies greatly from the previous FLA, according to which a minor between 15 and 18 years of age could marry with the written consent of his or her parents or guardian.